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Circulate  
John H. ...  
Alice ...  
Frank ...  
Ralph ...  
Jesse ...  
Director  
Assistant

*Handwritten:* RV's 1979 only Cleveland

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OCT 13 1978

OFFICE OF ENFORCEMENT

Mr. Maurice H. McBride  
Legal Counsel  
Recreation Vehicle Industry Association  
5272 River Road, Suite 400  
Washington, D.C. 20016

Dear Mr. McBride:

This is in response to your letter of August 16, 1978, to Mr. Richard Harrington, Director, Certification Division, in which you expressed your concern regarding the burden placed on the recreational vehicle industry by the 1979 model year light-duty truck definition. You asked several questions concerning potential certification requirements and tampering penalties associated with activities performed by members of your organization. Because your letter raised issues which primarily concerned enforcement, it has been forwarded to this office for response.

As Mr. Thomas Preston of my staff explained during a telephone conversation with you on September 1, 1978, the following information is being provided in lieu of detailed answers to the questions contained in your letter. We believe this information addresses your concerns regarding 1979 model year complete light-duty trucks. With respect to incomplete light-duty trucks, we are presently evaluating the information presented in your letter, as well as additional data recently provided by other industry associations. We intend to state our policy for this class of vehicles in the near future. Specific answers to your questions will be provided at a future date in the context of the policy we plan to implement for 1980 model year complete and incomplete light-duty trucks.

For 1979 model year complete light-duty trucks, a manufacturer other than the original manufacturer (hereafter "secondary manufacturer") who produces motor homes or multipurpose vehicles by converting vans will not be required to obtain a certificate of conformity for any vehicle which is introduced into commerce in a condition which exceeds the certified limits for weight or frontal area. However, every vehicle sold to an ultimate purchaser must be covered by the emission warranty mandated by section 207(a) of the Clean Air Act (Act).



Vehicle modifications which add weight or frontal area will not be considered removing or rendering inoperative emission related components and, therefore, will not be considered a violation of the tampering prohibitions of section 203(a)(3) of the Act. However, secondary manufacturers who modify vehicles so as to remove the vehicles from inclusion in the engine-system, evaporative emission family, evaporative emission control system combination (as described in 40 C.F.R. 86.078-2 and MSAPC Advisory Circular No. 59) in which the original vehicle was certified may be subject to the proscriptions against tampering or selling uncertified vehicles. Individuals who are not sure whether their modifications remove a vehicle from the combination specified above may contact Mr. Harrington in order to obtain an advisory opinion.

With respect to both complete and incomplete vehicles, secondary manufacturers who wish to designate as 1979 models those vehicles which were certified by the original manufacturer under regulations applicable to 1978 model year vehicles, may do so provided that the vehicles are covered by an emission warranty. Our endorsement of this procedure is only applicable insofar as it precludes liability for sale of uncertified vehicles pursuant to section 203(a) of the Clean Air Act. Federal emission standards, as well as fuel economy and safety requirements, related to the original manufacture date of the vehicles will remain applicable. Moreover, any requirements of the Federal Trade Commission, or other Federal or state agencies will, of course, also remain applicable.

The policy delineated in this letter pertains only to 1979 model year vehicles. This policy is being implemented because you expressed concern that many members of the van modification industry did not understand the ramifications of the change in the light-duty truck regulations and, in light of the recently perceived consequences, of the difficulty in effecting changes to the current practices of the industry at this late date. While the manner in which we will treat these questions for 1980 and subsequent model year vehicles is now under consideration, we fully expect the recreation vehicle industry members to begin working with the original manufacturers to achieve solutions to the problems presented by your letter. Production of vehicles at weights and frontal

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areas significantly beyond the certification limits is not a practice which we are likely to condone in the future. Moreover, we reiterate our concern that all recreational vehicles be covered by the emissions warranty.

We would appreciate any comments that you or members of your industry might have which would aid in our consideration of this matter. In particular, we request information regarding the weight and frontal area additions made by secondary manufacturers and, if available, the number of vehicles actually completed above the certification and frontal area limits for light-duty trucks. In addition, we would like an indication of the approximate number of vehicles which, after completion, would fall into the heavy-duty classification.

If you have any questions, please feel free to contact Mr. Preston at (202) 755-0944.

Very truly yours,

*Charles N. Freed*

Charles N. Freed  
Acting Director, Mobile Source  
Enforcement Division (EN-340)

cc: Mr. Richard Harrington

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